

DISPROPORTIONALITY

A COMPARISON and CLARIFICATION:

**Significant Disproportionality [§300.646]
Disproportionate Representation [§300.600(d)(3)]**

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Part 1

Significant Disproportionality

Disproportionate Identification

- IDEA requires States to review disproportionality in the areas of:
 - √ Identification
 - √ Placement
 - √ Disciplinary actions
- Currently, OSEP requires States to review and examine the 1st of these areas—*Disproportionate Identification*
- Each State reports *Disproportionate Identification* to OSEP through Indicators 9 & 10 in the
 1. State Performance Plan (SPP) - 2005-2010 plan
 2. Annual Performance Report (APR) - annual report

Examination of Data

- Significant Disproportionality is triggered solely by the—

Numerical Examination of Data

AND

- Analysis of Significant Disproportionality is based on—

Overidentification

State Definitions for Significant Disproportionality

- OSEP allows States the discretion to identify and describe the numerical definition for Significant Disproportionality for LEAs in the State

OSEP Requirements

Tennessee's Annual Performance Report

Data Examined & Analyzed for Disproportionate Overidentification

- Indicator 9: Review of data for all children who receive special education and related services
- Indicator 10: Review of data for children in the six high incidence disability categories (Autism, Emotional Disturbance, Mental Retardation, Other Health Impairment, Specific Learning Disabilities, and Speech and Language Impairments), at a minimum

Significant Disproportionality

Early Intervening Services

- LEAs identified with Significant Disproportionality are required to reserve **15%** of the district's IDEA Part B allocation for *Early Intervening Services (EIS)*

Overidentification

Self-Assessment

- IDEA includes provisions for the review of, (and—if appropriate) revision of policies, procedures, and practices
- Each State is required to report on compliance regarding significant disproportionality, in the State's Annual Performance Report (APR)

Part 2

Disproportionate Representation

Disproportionate Representation

- Disproportionate Representation relates to Indicators 9 & 10

AND

- More than the numerical examination of data is necessary

Disproportionate Representation

(continued)

- Considers both overrepresentation and underrepresentation
- Is based on the determination that disproportionality is the result of inappropriate identification

Disproportionate Representation

Self-Assessment, Definition, Targets

- Disproportionate Representation is determined through use monitoring data, review of policies, procedures, and practices etc. to determine if disproportionate representation results from inappropriate identification
- The State provides the definition of disproportionate representation
- OSEP's Targets for Disproportionate Representation of districts identified with Disproportionate Representation (over and under) is 0%.

Part 3

Reporting Requirements

Reporting Requirements

Disproportionate Overidentification

- State must require LEAs with Significant Disproportionality as the result of inappropriate identification to publicly report on the revision of policies, procedures, and practices. This will be included in the TCSPP.

Reporting Requirements

Disproportionate Representation

State Requirements to OSEP

- Report annually to OSEP on the percent of districts in which disproportionate representation results from Inappropriate Identification (Annual Performance Report—APR—Indicators 9 and 10)—Goal is 0% districts with Disproportionate Representation for each area examined.
- Provide raw data of districts identified with disproportionate representation (FFY 2006) Disproportionality Summary Data: <http://tennessee.gov/education/speced/seassessment.shtml#disp>
- If inappropriate identification is identified, report on corrective actions taken
- Report annually to the public on the performance of each LEA in the State

Disproportionate Representation

Self-Assessments

(Review of policies, practices, and procedures)

LEA Requirements—Overidentification

- (*TnREppp*) Tennessee Rubric Review of policies, procedures, and practices—Tennessee's revised self-assessment for districts identified with Significant Disproportionality (overrepresentation)

LEA Requirements—Underidentification

- Tennessee Disproportionate Underrepresentation Self-Assessment